

\$DAC/17w



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Delbert Tesar
Serial No. 10/665,729
Filing Date: September 18, 2003
Group Art Unit: 2834
Examiner: Lam, Thank
Title: FAULT TOLERANT ROTARY ACTUATOR

Mail Stop: Office of Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Certification Under 37 C.F.R. 1.8

Date of Mailing: December 19, 2005

I hereby certify that I have caused the documents indicated below to be deposited with the United States Postal under 37 CFR § 1.8 on the date indicated above and addressed to the Mail Stop: Office of Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Lee Ann Carter
Lee Ann Carter

12/29/2005 TBESHAH2 00000080 10665729

02 FC:2501
03 FC:1504
04 FC:8001

700.00 OP
300.00 OP
45.00 OP

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT

UNINTENTIONALLY ABANDONED UNDER 37 CFR §1.137(b)

Dear Sir:

Applicant hereby petitions for revival of this application. The above-identified application became abandoned for failure to timely respond to a Notice of Allowance and Fee(s) Due mailed on February 16, 2005 by the United States Patent and Trademark Office ("USPTO"). The date of abandonment is the day after the issue fee date.

Applicant requested his law firm, Gardere Wynne Sewell, LLP ("Gardere"), transfer his patent files to Attorney William N. Hulsey at Hulsey, HULSEY IP Lawyers, P.C. ("the Hulsey"). Pursuant to the file transfer, the Hulsey firm submitted to the USPTO the appropriate Power of Attorney and change of address. However, the USPTO sent the Notice of Allowance to the Gardere form and never notified the Hulsey firm. Gardere therefore forwarded Applicant's files to the Hulsey firm; however, the Notice of Allowance was not received by the Hulsey firm from the Gardere firm.

Therefore, Applicant respectfully requests this Office to grant this Petition and allow the above-referenced patent application to issue.

12/29/2005 TBESHAH2 00000080 10665729

01 FC:2453

750.00 OP


The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR §1.137(b) was unintentional.

The issue fee for the above-referenced patent application is enclosed herewith, along with payment of the publication fee and unintentional abandonment fee. Since this utility application was filed on or after June 8, 1995, no terminal disclaimer is required.

If the Examiner has any questions or comments, or if further clarification is required, it is requested that the Examiner contact the undersigned at the telephone number listed below.

When contacting the undersigned, please reference Attorney Docket No. TSAR002US0.

Respectfully submitted,

By: 
William N. Hulsey III
Reg. No. 33,402

Dated: December 19, 2005

HULSEY^{IP} Intellectual Property Attorneys, P.C.
1250 S. Capital of Texas Hwy.
Building 3, Suite 610
Austin, Texas 78746
(512) 658-7173 [Telephone]
(512) 233-2602 [Fax]